



**CALIFORNIA EMERGENCY MANAGEMENT AGENCY
LAW ENFORCEMENT AND VICTIM SERVICES**

May 29, 2009

TO: PROJECT DIRECTORS
Victim/ Witness Assistance Program (VW)

RE: Victim/Witness Assistance Recovery Act - VAWA Stimulus (RV)
REQUEST FOR APPLICATION (RFA)

On February 17, 2009, President Obama signed into law, the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). As one of its many elements, the Recovery Act provides the U.S. Department of Justice (DOJ) with funding for grants to assist state, local, and tribal law enforcement (including support for hiring), to combat violence against women, to fight internet crimes against children, to improve the functioning of the criminal justice system, to assist victims of crime, and to support youth mentoring.

The California Emergency Management Agency's (CalEMA) (formerly known as the Governor's Office of Emergency Services), Law Enforcement and Victim Services Division is pleased to announce the release of the Victim/Witness Assistance Recovery Act - VAWA Stimulus (RV) Request for Application (RFA). Please note that these grants are **open to all Victim/Witness Programs**, not just for those currently receiving VAWA funding.

Running concurrently with your Victim/Witness Assistance and the VOCA Stimulus grant programs, the VAWA Stimulus grant period will begin July 1, 2009 and end on June 30, 2010 (or earlier if you prepare a budget for a shorter time period). It is anticipated there will be approximately **\$800,000** available for the VAWA Stimulus (RV) Victim/ Witness Assistance in FY 2009/10 and has been streamlined for quick submission.

Please refer to the [VAWA Stimulus \(RV\) Program - Victim/Witness Assistance Funding Chart](#) for your agency's FY 2009/10 funding allocation. Allocations listed on the funding chart are based on county population and the proportionate percentage of the Victim/Witness Programs' base funding amounts.

Special Note:

- RV Progress Report - Once VAWA Stimulus reporting requirements are known, a Progress Report will be developed and sent to you. These reports will be due on a monthly basis to ensure the federal reporting requirements are met.
- Cash and/or in-kind match – A **25%** match is required for VAWA funds.
- Certification of Assurance of Compliance – In order to receive VAWA Recovery Act funds, grant recipients must have a Data Universal Numbering System (DUNS) number <http://www.dnb.com/us/> and indicate (yes/no) if the agency maintains current registration in the Central Contractor Registration (CCR) database www.ccr.gov. Enter this information on this Certification form.

- Spending – These funds can also be used for printed materials, victim kits and equipment.

Accurate and complete submission of information requested in this RFA will expedite timely processing of your application. Please pay particular attention to:

- *Line-item detail* for each budget item, along with justification for how the item ties to the objectives and activities of the VAWA Stimulus grant;
- *Mathematical calculations* for all line-item expenses;
- *Original signatures* by designated individuals, in the correct section(s) of the form(s);
- Fillable Application Forms – The forms are available online and are not included in the RFA packet. Please see instructions at the top of the RFA, Part IV, Checklist and Required Sequence form for access to the ([FORMS](#)) link at www.oes.ca.gov. **All of the forms have been revised to reflect our new agency's name and new form numbers. Please do not use forms from prior grant years as it will hold up the processing of your grant application into award.** An Excel Workbook is also available online with spreadsheets for each of the three budget categories;
- Signature Authorization Form – The Project Director and Financial Officer are required to sign this form and submit it with the Grant Award Forms package, whether or not authorization will be given to other individuals to sign grant documents on their behalf; and
- Part III – Additional Information – This section was added in FY 2007/08 to provide additional guidance to applicants in completing the Grant Award Application packet.

The Victim/Witness Assistance Recovery Act - VAWA Stimulus (RV) Request for Application (RFA) email announcement includes a link to the RFA. The RFA and forms you need are also available on our website at [www.oes.ca.gov/Law Enforcement & Victim Services Division/RFA Funding Information](http://www.oes.ca.gov/Law%20Enforcement%20&%20Victim%20Services%20Division/RFA%20Funding%20Information), located in "Forms."

To receive VAWA Stimulus funding in FY 2009/10, applicants must complete and return the enclosed application package to CalEMA by the applicable due date (as stated in Part I, C. *Application Due Date(s) and Submission Options*). **Should your agency opt out for VAWA Stimulus Recovery Act monies, please respond in writing so that we may further utilize the funds.**

Should you have any questions, please contact Bill Swearingen at (916) 324-3217 or via e-mail at Bill.Swearingen@oes.ca.gov.

Sincerely,

SALLY HENCKEN, Chief
Victim Services Section

Enclosure

**CALIFORNIA EMERGENCY MANAGEMENT AGENCY
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**VICTIM/WITNESS ASSISTANCE RECOVERY ACT – VAWA STIMULUS (RV)
REQUEST FOR APPLICATION**

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- IV. **FORMS** –Click on one of the form links below to access the form. Save the form to your hard drive before you attempt to fill it out. To access the complete list of forms on our website click on **(FORMS)**, or go to www.oes.ca.gov and select “Forms”, or paste the following link into your browser:
[http://www.oes.ca.gov/WebPage/oeswebsite.nsf/OESBranchContentPortal?ReadForm&type=Forms&look=Grant%20Applications%20and%20Proposals%20\(RFAs/RFPs\)&Div=Law+Enforcement+and+Victim+Services+\(LEVS\)&Branch=Grant%20Applications%20and%20Proposals%20\(RFAs/RFPs\)Forms](http://www.oes.ca.gov/WebPage/oeswebsite.nsf/OESBranchContentPortal?ReadForm&type=Forms&look=Grant%20Applications%20and%20Proposals%20(RFAs/RFPs)&Div=Law+Enforcement+and+Victim+Services+(LEVS)&Branch=Grant%20Applications%20and%20Proposals%20(RFAs/RFPs)Forms)

[Application Checklist And Required Sequence](#)

[Application Cover Sheet](#)

[VAWA Stimulus \(RV\) Program - Victim/Witness Assistance Funding Chart](#)

[Grant Award Face Sheet And Instructions \(CalEMA 2-101\)](#)

[Project Contact Instructions and Information \(CalEMA 2-102\)\)](#)

[Signature Authorization And Instructions \(CalEMA 2-103\)](#)

Certification Of Assurance Of Compliance - VAWA (CalEMA 2-104g)

Federal Grant Funds Log (CalEMA 2-105)

NEW FORM REQUIRED

Application Budget (CalEMA 2-106) – Budget Narrative (CalEMA 2-107)

Budget Forms (Excel spreadsheet format) – a. With Match

Personal Services – Salaries/Employee Benefits

Operating Expenses

Equipment

Budget Narrative

Emergency Fund Procedures (CalEMA 2-153) If applicable

Noncompetitive Bid Request Checklist (CalEMA 2-156) If applicable

Out Of State Travel Request (CalEMA 2-158) If applicable

Project Narrative (CalEMA 2-108)

Operational Agreements Summary (CalEMA 2-160)

Organizational Chart

Project Service Area Information (CalEMA 2-154)

Other Funding Sources (CalEMA 2-151)

Prior, Current, and Proposed CalEMA Funding (CalEMA 2-152)

Project Summary (CalEMA 2-150)

**CALIFORNIA EMERGENCY MANAGEMENT AGENCY
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**VICTIM/WITNESS ASSISTANCE RECOVERY ACT – VAWA STIMULUS (RV)
REQUEST FOR APPLICATION (RFA)**

PART I – INFORMATION

A. INTRODUCTION

This Request for Application (RFA) provides the information and forms necessary to prepare an application for the California Emergency Management Agency (CalEMA) grant funds. The terms and conditions described in this RFA supersede previous RFAs and conflicting provisions stated in the *Recipient Handbook*. The *Recipient Handbook* provides helpful information for developing the application and is accessible at www.oes.ca.gov, by selecting the “Justice Programs” tab, then “Grant Applications & Proposals (RFAs/RFPs),” then looking in the “Related Links” for “*Recipient Handbooks*.”

B. CONTACT INFORMATION

Questions concerning this RFA, the application process, or programmatic issues should be directed to your Program Specialist or to the Victim/Witness Section at (916)324-3217.

C. APPLICATION DUE DATE AND SUBMISSION OPTIONS

One original and one copy of the application must be delivered to CalEMA's Law Enforcement and Victim Services Division by the date and time indicated below. Submission options are:

1. Regular and Overnight mail, **postmarked by June 25, 2009** to:

California Emergency Management Agency
Law Enforcement and Victim Services Division
Criminal Justice Programs
3650 Schriever Avenue
Mather, CA 95655
Attn: VICTIM/WITNESS ASSISTANCE RECOVERY ACT – VAWA STIMULUS (RV)
Victim/Witness Section

2. Hand delivered by **5:00 p.m. on June 25, 2009** to:

California Emergency Management Agency
Law Enforcement and Victim Services Division
Criminal Justice Programs
3650 Schriever Avenue
Mather, CA 95655
Attn: VICTIM/WITNESS ASSISTANCE RECOVERY ACT – VAWA STIMULUS (RV)
Victim/Witness Section

D. ELIGIBILITY

California Penal Code Sections 13835-13835.5 contain requirements for eligibility for Victim/Witness Assistance centers that receive state funding generated by penalty assessments and fines of convicted offenders. It is the intent of the Legislature to make funds available only to

Victim/Witness Assistance centers that do not restrict services to victims or witnesses of a particular type of crime or to victims of crime where there is an identified suspect in the case. The County Board of Supervisors is the agency specified by statute to determine whether a county government agency (i.e., district attorney's office, probation department, etc.) or community-based organization will receive these funds.

E. FUNDS

The grant award period will begin July 1, 2009 and end June 30, 2010. Projects may budget for twelve (12) months or a lesser time period but explain in the budget narrative what length of time they are proposing and why.

It is anticipated there will be approximately **\$800,000** available to fund the Victim/Witness Assistance Recovery Act – VAWA Stimulus (RV) in FY 2009/10. Funds for this Program are derived from American Recovery and Reinvestment Act of 2009, the “Recovery Act” and the Violence Against Women Act of 1994 (VAWA).

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. Applicants also should anticipate that awards under the Recovery Act will be one-time awards and accordingly should propose project activities and deliverables that can be accomplished without additional funding.

Please refer to the RV Program Funding chart, at the end of Part III of this RFA, for the FY 2009/10 funding allocation. The funding allocation is based upon a percentage of the current funding base for the Victim/Witness Assistance Programs

Source and Use of Funds

a. Federal Violence Against Women Act (VAWA)

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the “Recovery Act”) and by the Violence Against Women Act of 1994 (VAWA), Public Law 103-322. The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars. Among other things, it creates a new Recovery Accountability and Transparency Board and a new website—Recovery.gov—to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds. The Office for Victims of Crime (OVC) will award each eligible state assistance program a Recovery Act - VAWA victim assistance formula grant to support the provision of services to victims of crime throughout the Nation. Services under this grant program are defined as those efforts that (1) respond to the emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) provide victims of crime with a measure of safety and security such as boarding-up broken windows and replacing and repairing locks.

The Violence Against Women Act program is designed to promote a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women. It encourages the development and strengthening of effective law enforcement and prosecution strategies to address violent crimes against women such as sexual assault, domestic violence, dating violence, and stalking. States and communities are encouraged to restructure and strengthen the criminal justice system response to such crimes, drawing on the experience of all participants in the system, including victim advocates.

Match Requirement (VAWA Stimulus Funds)

All projects will receive VAWA Stimulus Funds. Projects **must** clearly identify staff positions, including match, paid from all funding sources in the budget pages. VAWA funds and the required match are restricted to direct services to crime victims. In addition, services to **witnesses** other than the crime victim are prohibited for VAWA funds, and their required match.

The federal program guidelines specify a **cash/in-kind match of 25 percent for VAWA**. When used to augment the project, expenditures for items such as personnel, operating expenses or equipment are considered a match if not in violation of prohibition on supplanting (see Supplanting Prohibited). Details regarding match categories and instruction for calculating match are stated below and are included in the budget section of the application forms package.

To calculate the match, multiply the grant award amount by 75 percent (for VAWA) to determine the local match. Then add the grant award amount and the local match to determine total project cost.

<u>TOTAL PROJECT COST EXAMPLE</u>	
	<u>VAWA (75%)</u>
Grant Amount	= \$50,000
Multiply \$50,000 by .75	= \$12,500 Local Match (25%)
Add Grant Amount	= \$50,000 (75%)
Total Project Cost	= \$62,500

F. PROGRAM INFORMATION

The objective of the Recovery Act is to provide direct services to crime victims in support of the Recovery Act objectives to preserve and create jobs and promote economic recovery.

The purpose of this document is to solicit applications for funding from eligible applicants for the Victim/Witness Assistance Recovery Act – VAWA Stimulus (RV). The programs are to provide funding for comprehensive assistance programs for victims and witnesses of all types of crime and to establish Victim/Witness Assistance centers to handle the trauma experienced by victims and witnesses thereby allowing for faster and more complete recovery from the effects of crime.

Projects funded through the Victim/Witness Assistance Program are required to perform the activities mandated in Sections 13835.4 through 13835.5 of the Penal Code.

A DUNS number is required. All applicants under this solicitation must include a DUNS (Data Universal Numbering System) number in their application. Applications without a DUNS number are incomplete.

A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at <http://www.dnb.com/us/>. Individuals are exempt from this requirement.

Central Contractor Registration (CCR) is required. In addition to the DUNS number requirement, Office of Justice Programs (OJP) requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and sub recipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about registration procedures can be accessed at www.ccr.gov.

SERVICE STANDARDS

Projects funded through the Victim/Witness Assistance Recovery Act – VAWA Stimulus (RV) Programs are required to perform the activities mandated in Sections 13835.4 through 13835.5 of the Penal Code.

ADA COMPLIANCE

Applicants must be in compliance with the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. 12101, et seq, and Title 28 of the Code of Federal Regulations, part 35. The applicant shall operate so that each service is accessible to and usable by individuals with disabilities. Applicants may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternative accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities.

Applicants must ensure that communication with individuals with disabilities is as effective as communication with others without disabilities. This includes the use of telecommunications systems for communications by telephone. Applicants must also ensure that individuals with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities, as well as provide appropriate signage. This includes all written materials (i.e. brochures, applications, consents, videos, etc.).

Applicants must ensure that all aspects of employment comply with ADA, including the application process (recruitment, hiring) and employment tasks.

G. PREPARING AN APPLICATION

The Table of Contents includes a link to an Application Cover Sheet. Please complete the Application Cover Sheet and attach it to the front of the application.

Please provide the required application components in the order listed below:

- Application Cover Sheet;
- Grant Award Face Sheet (CalEMA 2-101);
- Project Contact Information;
- Signature Authorization and Instructions;
- Certification of Assurance of Compliance; VAWA (CalEMA 2-104g);
- Federal Grant Funds Log (CalEMA 2-105)
- Application Budget (CalEMA 2-106)
- Budget Forms (With Match)

Personal Services – Salaries/Employee Benefits

Operating Expenses

Equipment

- Budget Narrative
- Emergency Fund Procedure (CalEMA 2-153) if applicable
- Noncompetitive Bid Request Checklist (CalEMA 2-156) if applicable
- Out of State Travel Request (CalEMA 2-158) if applicable
- Project Narrative
- Operational Agreements Summary (CalEMA 2-160)
- Organizational Chart
- Project Service Area Information (CalEMA 2-154)
- Other Funding Sources (CalEMA 2-151)
- Prior, Current and Proposed CalEMA Funding (CalEMA 2-152)
- Project Summary (CalEMA 2-150)

NOTE: Pay special attention to the forms required. Failure to submit the correct forms will result in the application being returned and/or delayed.

**CALIFORNIA EMERGENCY MANAGEMENT AGENCY
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**VICTIM/WITNESS ASSISTANCE RECOVERY ACT – VAWA STIMULUS (RV)
REQUEST FOR APPLICATION (RFA)**

PART II – INSTRUCTIONS

The instructions in this section correspond to each of the application components and to the forms required to complete the application.

The applicant must use the forms provided in the Table of Contents of this RFA or the “Forms” (FORMS) provided on our website and plain 8½” x 11” white paper for the application. The blank Project and Budget Narrative pages on the website have been pre-formatted to CalEMA standards. If you create your own computer-generated Project and Budget pages, the format must duplicate the CalEMA pre-formatted pages.

Copies of the application must be assembled separately and individually fastened in the upper left corner. ***Do not bind application.***

A. PROJECT NARRATIVE

The project narrative is the main body of information describing the problem to be addressed, the plan to address the problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the plan.

1. Problem Statement

The performance history/problem statement section is a narrative that explains the development of your center and how it has evolved. Describe the resources you have and any growth in services. Explain what is missing today in terms of services and resources. For example, do you address all crime or do you limit to specific crimes and services due to the lack of available resources? Look at this as a report of your project’s past performance, then describe what is still needed and why. Address any particularly unique problem in your county and why it is a problem.

2. Plan and Implementation

Describe the activities you will take to establish and maintain the following service requirements:

- Provide the mandatory services to victims of all types of crimes;
- Conduct field visits and, when appropriate, provide intervention and counseling services;
- **Recruit and use volunteers** to augment paid staff in the delivery of victim and witness services. In addition, centers must provide new and continuing volunteers with both structured and on-the-job training appropriate to their specific assigned duties. **Discuss how your agency fulfills the mandatory requirement of VOCA volunteers including how you recruit them, what typical duties are assigned to volunteers and how their time is documented.**
- **NEW: If you are experiencing difficulty obtaining volunteers, you must describe in detail what recruiting/outreach has been attempted, what new efforts you**

will explore during the new program year, what typical duties would be assigned if you had volunteers and how you would document their time as a volunteer. Also projects must conduct a background check (i.e., fingerprinting, name check, etc.) on all prospective volunteers prior to acceptance into their program and assignment of duties. (VAWA funds cannot pay for this service);

- Provide services that are responsive to the special needs of victims (e.g., elderly or disabled victims). Include a description of how the project is designed to provide the following legislated special services to victims in conjunction with mandatory and optional services:
 - hearing impaired, including sign language interpreter service arrangements;
 - disabled; including detailed description of sight impaired alternate formats; brochures, applications, and other forms used for sight impaired victims
 - elderly/dependent adults; and
 - employ multi-lingual staff and/or maintain a listing of available translation services.

Describe how, from where, and when, the project receives referrals. Projects are encouraged to review their existing referral procedures to ensure they are receiving referrals on the most serious cases likely to result in trauma to the victim or victim's family.

Give a description of working relationships with other agencies and the content of operational agreements (OAs). At a minimum, victim/witness assistance projects must have OAs with local Domestic Violence Centers, Rape Crisis Centers and agencies that provide services for child crime victims. *The OAs must contain original signatures, titles, and agency names for both parties and include dates effective for the proposed grant period.* This document must demonstrate a formal system of networking and coordination with other agencies and the applicant. A sample OA is provided in *Recipient Handbook, Appendices, and Forms.*

Either your Operational Agreements Summary Form or your project narrative must identify which agencies listed on the summary form are providing victim services to the three primary VOCA victim groups: sexual assault, domestic violence and children crime victims. Include any Unserved/Underserved Populations and the agencies providing those services.

The Application Appendix must include a **current** organizational chart with all positions funded by the project, including supervisors as appropriate. It must show the relationships between the governing body, the organization, the project, project staff, project volunteers and the lines of supervision. Job titles on the organizational chart must match those in the Budget.

The Application Appendix must also include a listing of "Multiple Field Offices" if more than one site exists within the county providing services to victims and "after hours" telephone contact numbers for their project as specified in this RFA, Part I, Section H, and Multiple Field Offices.

B. PROJECT BUDGET (CalEMA 2-106a)

The purpose of the project budget is to demonstrate how the applicant will implement the proposed plan with the funds available through this program. Project costs must be directly related to the objectives and activities of the project. The budget must cover the entire grant period. In the budget, include **only** those items covered by grant funds, including match funds when applicable. The applicant may supplement grant funds with funds from other sources. However, since approved line items are subject to audit, the applicant should not include in the

project budget matching funds (if applicable) in excess of the required match. Budgets are subject to CalEMA modifications and approval.

CalEMA requires the applicant to develop a **line item** budget which will enable the project to meet the intent and requirements of the program and ensure the successful and cost effective implementation of the project. Failure of the applicant to include required items in the budget does not eliminate responsibility to comply with those requirements during the implementation of the project. The applicant should refer to the *Recipient Handbook* for additional information concerning CalEMA budget policy or to determine if specific proposed expenses are allowable. The *Recipient Handbook* is accessible on our website at www.CalEMA.ca.gov. Select the "Justice Programs" tab, then "Grant Applications & Proposals (RFAs/RFPs)," then look in the "Related Links" for "*Recipient Handbooks*." Contact the person listed on page 1-subsection B of this RFA should you have additional budget questions.

1. **Budget Narrative**

The applicant is required to submit a narrative with the project budget. The narrative must be typed and placed in the application in front of the budget pages. In the narrative describe:

- How the applicant's proposed budget supports the objectives and activities.
- How funds are allocated to minimize administrative costs and support direct services.
- The duties of project-funded staff; including qualifications or education level necessary for the job assignment. This does not take the place of the brief justification required in the line item budget.
- How project-funded staff duties and time commitments support the proposed objectives and activities.
- The proposed staff commitment/percentage of time to other efforts, in addition to this project.
- The necessity for subcontracts and unusual expenditures.
- The mid-year salary range adjustments.

2. **Specific Budget Categories**

(Please note the proper budget format to use for VW projects is CalEMA 2-106a found in the "*FORMS*" Folder on the CalEMA website)

There is an Excel Worksheet on our website in "*Forms*" ([FORMS](#)) with spreadsheets for each of the following three budget categories:

- Personal Services – Employee Salaries/Benefits;
- Operating Expenses; and
- Equipment.

The left column of each budget category on the Spreadsheet requires line item detail including the calculation and justification for the expense. Enter the **whole dollar amount only** (no cents), on each line item and match in the correct column of the Budget Category form. The spreadsheet will sum each addition. You may add extra rows if necessary, the spreadsheets total at the end of each budget category and total the three spreadsheets at the bottom of the last page (Equipment). The total of the budget including each funding source and/or match

amount must correspond to the amount of the Total Project Cost (Block 10G) on the Grant Award Face Sheet.

The bottom of the Equipment Category form contains a format for identifying the project total and fund distribution. This section must be completed and submitted even if there are no line items identified in the equipment category.

a. Personal Services – Salaries/Employee Benefits (CalEMA 2-106a) (formerly OES A303a):

1) Salaries

Personal services include services performed by project staff directly employed by the applicant and must be identified by position and percentage of salaries. These may be salaried or hourly, full-time or part-time positions. Sick leave, vacation, holidays, overtime, and shift differentials must be budgeted as salaries. If the applicant's personnel have accrued sick leave or vacation time prior to the approval of grant funding, they may not take time off using project funds. Salaries for staff not directly employed by the applicant must be shown as participating staff (see *Recipient Handbook*, Section 4500) in the Operational Expenses Category. Consultant services remain under Operating Expenses (refer to Part II, B.2.b. - Operating Expenses - paragraph two.)

2) Benefits

Employee benefits must be identified by type and percentage of salaries. The applicant may use fixed percentages of salaries to calculate benefits. Budgeted benefits cannot exceed those already established by the applicant.

Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Benefits, such as uniforms or California Bar Association dues, are allowable budget items if negotiated as a part of an employee benefit package.

A line item is required for each different position/classification, but not for each individual employee. If several people will be employed full-time or part-time in the same position/classification, provide the number of full-time equivalents (e.g., three half-time clerical personnel should be itemized as 1.5 clerical positions).

Any retirement debt related allocated expenses for former employees of the agency are NOT allowable expenses using VOCA funds.

b. Operating Expenses (CalEMA 2-106b) (formerly OES A303b):

Operating expenses are defined as necessary expenditures other than personal salaries, benefits, and equipment. Such expenses may include specific items directly charged to the project, and in some cases, when permitted by the funding source, an indirect cost allowance. The expenses must be grant-related (i.e., to further the program objectives as defined in the grant award), and be encumbered during the grant period.

The following items fall within this category: consultant services such as subcontractors, participating staff who are not employed by the applicant, travel, office supplies, training materials, equipment maintenance, software equipment rental/lease, telephone, postage, printing, facility rental, vehicle maintenance, answering service fees, and other

consumable items. Furniture and office equipment with an acquisition cost of less than \$5,000 per unit (including tax, installation, and freight) and/or with a useful life of less than one year fall within this category. Otherwise these fall under equipment expenses.

Salaries for staff not directly employed by the applicant must be shown as consultant and/or participating staff costs (whichever is applicable per *Recipient Handbook* Sections 3710 and 4500) under the Operating Expenses category. These costs must be supported by an Operational Agreement (OA), which must be kept on file by the recipient and made available for review during a CalEMA site visit, monitoring visit, or audit. In the case of grants being passed through a recipient to be operated by another agency, the staff from the second agency will be shown in the Operating Expenses category.

c. Equipment (CalEMA 2-106c) (formerly OES A303c):

Equipment is defined as nonexpendable tangible personal property having **a useful life of more than one year** and an acquisition cost of \$5,000 or more per unit (including tax, installation, and freight).

A line item is required for different types of equipment, but not for each specific piece of equipment (i.e., three laser jet printers must be one line item, not three).

C. APPLICATION APPENDIX

The Application Appendix provides CalEMA with additional information from the applicant to support components of the application. The following must be included:

- **Operational Agreements (OAs) Summary Form** (CalEMA 2-160) must be completed and included in your application. Maintain actual OAs on file at the project (available to CalEMA program staff upon request), but do not submit with this application. List those agencies, organizations and individuals with whom the project will have OAs for the FY 2009/2010 and the years covered by those agreements (one, two, or three years). A new OA need not be obtained if the current one covers FY 2009/2010. When this is not the case, a new OA for FY 2009/2010 must be obtained. OAs must be on file at the project by July 1, 2009.

OAs must be dated and contain original signatures, titles, and agency names for both parties. At a **minimum**, each Victim/Witness Assistance Center must have OAs with local Domestic Violence Centers, Rape Crisis Centers, agencies that provide services to child crime victims and agencies that provide services to Unserved/Underserved Populations. . The OA should include each agency's role and responsibilities and the services/resources they will be providing. For the purpose of the RFA, the terms OA and Memorandum of Understanding (MOU) are synonymous. A sample OA is provided in "*Forms*" ([FORMS](#)).

Organizational Chart

- Project Service Area Information (CalEMA 2-154)
- Other Funding Sources (CalEMA 2-151)
- Prior, Current, and Proposed CalEMA Funding (CalEMA 2-152)
- Emergency Fund Procedures (CalEMA 2-153) if applicable
- Noncompetitive Bid Request (CalEMA 2-156) if applicable
- Out of State Travel Request (CalEMA 2-158) if applicable

- Computer and Automated Systems Purchase Justification Guidelines (CalEMA 2-157)
- Project Summary (CalEMA 2-150)

**CALIFORNIA EMERGENCY MANAGEMENT AGENCY
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**VICTIM/WITNESS ASSISTANCE RECOVERY ACT – VAWA STIMULUS (RV)
REQUEST FOR APPLICATION (RFA)**

PART III – ADDITIONAL INFORMATION

The applicant is strongly encouraged to review the following sections in preparing the application.

- A. Finalizing the Grant Award Agreement
- B. Administrative Requirements
- C. Budget Policy
- D. Glossary of Terms

A. FINALIZING THE GRANT AWARD AGREEMENT

1. Standard Project Funding Authority

Allocation of funds is contingent on the enactment of the State Budget. CalEMA does not have the authority to disburse funds until the budget is passed and the Grant Award Agreement is fully executed. Expenditures incurred prior to authorization are made at the project's own risk and may be disallowed. When the executed grant is received, and the State Budget is finalized, authorized expenditure reports may be submitted for reimbursement of expenditures incurred subsequent to the effective date of the grant award agreement.

If, during the term of the grant award, the state and/or federal funds appropriated for the purposes of the grant award are reduced or eliminated by the California Legislature or the United States Government, or in the event revenues are not collected at the level appropriated, CalEMA may immediately terminate or reduce the grant award by written notice to the recipient. However, no such termination or reduction shall apply to allowable costs already incurred by the recipient to the extent state or federal funds are available for payment of such costs.

CalEMA Grant Award Agreements are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government, subsequent to execution of the Grant Award Agreement.

2. Processing Grant Awards

a. Grant Award Conditions

CalEMA may add one or more grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, they will be discussed with the applicant and a copy of the conditions will be sent to the grant recipient when the conditions are made part of the Grant Award Agreement. Grant award conditions may include requirements for noncompetitive bid justification, a computer feasibility study, or other requirements deemed necessary by CalEMA.

b. Grant Award Agreements

A copy of the executed Grant Award Agreement and pertinent attachments will be sent to the Project Director. The recipient is not authorized to incur costs against the grant until a copy of the fully executed Grant Award Agreement is received.

c. Grant Award Amounts

When the amount of funds available is limited, CalEMA may reduce the amount of the grant award from the amount requested by the applicant. In addition, CalEMA reserves the right to negotiate budgetary changes with the applicant prior to executing the Grant Award Agreement. If either of these actions is required, CalEMA will notify the applicant prior to executing the Grant Award Agreement.

B. ADMINISTRATIVE REQUIREMENTS**1. The Recipient Handbook (RH)**

The *Recipient Handbook* is accessible on our website at www.oes.ca.gov. Select the "Justice Programs" tab, then "Grant Applications & Proposals (RFAs/RFPs)," then look in the "Related Links" for "*Recipient Handbooks*." The *Recipient Handbook* contains administrative information and requirements necessary to implement the project. Recipients must administer their grants in accordance with the *Recipient Handbook* requirements. Failure to comply with these requirements can result in the withholding or termination of the grant award.

The information below may be cross referenced with the *Recipient Handbook* (RH) by referencing the handbook section number.

2. Internet Access (RH 11500)

Funded projects are required to maintain Internet access with an established e-mail address. Grant funds may be used for this purpose unless specifically prohibited by the terms of the program.

3. Progress Reports and Data Collection (RH 10100)

Funded projects are required to participate in data collection and to submit progress reports required by the program. Projects are required to keep accurate records to document the information reported in the progress reports. The records must be kept by the project for a period of three years. During site/monitoring visits, CalEMA will review these records for accuracy and compare them with the reported data submitted on the progress reports.

4. Monthly/Quarterly Report of Expenditures and Request for Funds (CalEMA 201) (RH 6300)

Community-based organizations shall submit a monthly Report of Expenditures and Request for Funds (CalEMA 2-201) unless they request a quarterly reporting period. Government and education agencies receiving funds will be required to report on a quarterly basis. This form is due within 30 calendar days of the end of the reporting period and must be submitted whether or not the project has incurred expenses. Delays in submitting the form CalEMA 2-201 will result in the withholding of funds and may result in the recommendation to CalEMA's Executive Secretary for termination of the grant award.

5. Technical Assistance/Site Visits (RH 10300)

Funded projects are assigned a CalEMA program specialist to oversee the progress of the project in achieving its goals, objectives and compliance with the Grant Award Agreement. Program specialists are available to assist the project in the successful implementation of the project and in meeting the administrative requirements of the Grant Award Agreement. New projects should expect a site visit from the assigned program specialist within the first six months of the grant period. Follow-up site visits will be conducted periodically throughout the life of the grant. Projects may request a site visit to obtain technical assistance.

6. Monitoring Requirements (RH 10400)

A monitoring visit is an onsite assessment by CalEMA staff to determine if the project is in compliance with the terms of the program, the Grant Award Agreement, the Program Guidelines, the RFA/RFP, and the *Recipient Handbook*. Projects will be monitored on a random or as-needed basis.

7. Bonding Requirements (RH 2160)

Private community-based organizations (CBO) and American Indian organizations are required to obtain and send to CalEMA a notarized copy of a blanket fidelity bond or equivalent insurance contract applicable to officials and employees of CalEMA-funded projects within 60 days of the signed Grant Award Agreement. Failure to comply with this requirement may result in the withholding of grant funds or termination of the Grant Award Agreement. The beneficiary named on the bond or an endorsement must include the "State of California, California Emergency Management Agency" and include the Grant Award number for identification purposes.

The time period covered by the bond must include the effective date and time period of the grant, including extensions. The bond must be in an amount equal to 50 percent (50%) of the total grant award and may have a deductible in an amount not to exceed one percent (1%) of the bond.

A bond is not required of a recipient sponsored by units of government. CBOs sponsored by units of government may submit documentation indicating this in lieu of the bond or insurance contract, unless specifically required terms of the program or grant award conditions.

8. Audit Requirements (RH 8100)

To safeguard CalEMA assets and to ensure all funds are accounted for, CalEMA requires that organizations receiving a CalEMA grant award(s) be audited in accordance with *Recipient Handbook* section 8100.

9. Copyrights, Rights in Data, and Patents (RH 5300-5400)

CalEMA owns rights of and reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use, in whole or in part, material produced by activities supported by a Grant Award Agreement. These ownership rights are detailed in the *Recipient Handbook*.

10. Source Documentation (RH 10111)

Recipients are required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate project activities and achievements pertaining to the objectives outlined in the Grant Award Agreement. Recipients are to retain source documentation for progress reports on a quarterly basis regardless of submission requirements. Requirements and definitions for program specific source documentation are delineated in the terms of the program. Recipients will be required to have written job descriptions on file for positions funded by CalEMA detailing specific grant-related activities to achieve project objectives.

C. BUDGET POLICY

This document summarizes information on CalEMA Budget Policy contained in the *Recipient Handbook*. Additional information may be obtained by accessing the *Recipient Handbook* at www.oes.ca.gov, by selecting the “Justice Programs” tab, then “Grant Applications & Proposals (RFAs/RFPs),” then look in the “Related Links” for “*Recipient Handbooks*.”

1. Supplanting Prohibited (RH 1330)

Grant funds must be used to supplement existing funds for program activities and **not replace** funds appropriated for the same purpose. A written certification must be provided to CalEMA indicating the grant funds will not be used to supplant existing funds. Supplanting will be the subject of application review, post-award monitoring, and audit. The rules on supplanting are found in Section 1330 of the *Recipient Handbook*.

2. Project Income (RH 6610)

Project income such as client fees and fees for services provided by the project (e.g., training, presentations, etc.), asset forfeitures, profits from the sale of project products, and conference proceeds as the result of a direct trade of time or products for money, must be used to offset or augment the grant unless otherwise specified in the RFA instructions. Project income cannot be used as matching funds unless otherwise specified in the RFA instructions.

3. Methods of Contracting and/or Procurement (RH 3400)

A competitive bid process is required to purchase equipment or consultant services with grant funds. Noncompetitive bid contracts are disfavored. Noncompetitive bid request approval by CalEMA program staff, is required prior to the purchase of equipment in excess of \$5,000, or to hire a specific consultant charging over \$5,000. Local units of government may use their approved procurement policy except for contracts over \$50,000, which require prior CalEMA approval. For organizations without a written procurement policy, a competitive bid process involves determining the specifications for the items needed and obtaining at least three bids from different vendors. Whenever a specific individual/organization name is identified in the project budget, a noncompetitive bid request will be required. CalEMA will provide assistance in submitting a noncompetitive bid request, if CalEMA determines it is in the best interest of the project. These procedures do not apply to funds shared with participating agencies under the terms of an Operational Agreement (see Section 4500, *Recipient Handbook*).

4. Match Requirements (RH 6500)

The RFA Instructions (Part II) may specify a cash or in-kind match. When used to augment the project, expenditures for items such as Personal Services, Operating Expenses, or Equipment are considered match if not in violation of the prohibition on supplanting. Match specified in the budget will become part of the grant award. (Specific instructions for calculating the match are provided in Sections 6550 – 6550.2 of the *Recipient Handbook*.)

5. Travel Policies

The following is CalEMA's current travel policy:

a. Travel and Per Diem (RH 2236)

The applicant may prepare the budget using its own travel policy or the state travel policy according to the following guidelines. Travel reimbursement will only be allowed based on actual costs.

1) Units of Government

Units of government may use their own written travel policy or the state policy.

2) Community-Based Organizations (CBO)

A community-based organization may use the state travel policy or the applicant's written policy up to the maximum rates allowed by the state travel policy.

b. State Travel and Per Diem Policy (RH 2236.2)

Use the following state travel policy for budgeting travel expenses:

1) Out-of-State Travel (RH 2236.11)

Out-of-state travel is restricted and only allowed in exceptional situations. Requests for approval for out-of-state travel must be submitted for CalEMA approval.

2) Mileage

When a privately owned vehicle is utilized on project-related business, a maximum of .55 cents per mile is allowed, unless a higher rate is justified. Documentation justifying a higher rate must be on file and available for audit, but should not be submitted with the application.

3) Meals and Incidentals

a) Breakfast \$6.00

Breakfast may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

b) Lunch \$10.00

Lunch may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

c) Dinner \$18.00

Dinner may be claimed if the trip begins at or before 4:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

d) Incidentals \$6.00

Incidentals may be claimed for trips of 24 hours or more.

e) Total Per Diem

Total is \$40.00 for a 24-hour period.

4) Lodging

The maximum allowed lodging rate is \$84.00, plus applicable taxes (except as noted below). Lodging receipts are required for reimbursement.

5) Special Lodging Rates

The maximum allowed lodging rate in Los Angeles and San Diego counties is \$110.00, plus applicable taxes. The maximum for Alameda, San Francisco, San Mateo, and Santa Clara counties is \$140.00, plus applicable taxes.

6) Other

Taxi, airport shuttle, etc. which exceed \$3.50 must be supported by receipt. Parking in excess of \$10.00 must be supported by receipt.

6. Participating Staff

The term “participating staff” refers to salaried employees of a participating agency assigned to work with the recipient on the implementation of a project. The agreement between the recipient and the participating agency concerning participating staff must be reflected in the OA. Grant related costs associated with participating staff must be itemized in the operating expenses category of the grant budgets.

7. Independent Contractor / Consultant (RH 3710)

Consultant services are provided on a contractual basis by individuals or organizations not directly employed by the applicant (see *Personal Services – Salaries*). Independent contractors must not be used in lieu of employees. Independent contractors are defined as individuals or organizations meeting some or all of the following criteria:

- produce a specific product or service;
- work independently without direct supervision from the applicant;

- work on specific projects;
- provide services for a limited number of hours or period of time; and/or,
- have no agency management or oversight responsibilities directed toward the financial success or direction of the agency.

a. Rates (*RH 3710.1*)

The maximum rate for independent contractors is \$250.00 per hour (excluding travel and subsistence costs). A request for compensation over \$250.00 per hour requires **prior approval** from CalEMA and additional justification.

1) Independent Contractors Employed by State and Local Government

Compensation for independent contractors will be allowed when the unit of government can not provide services without this cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

b. Expert Witness Fees (*RH 3710.2*)

Projects, which routinely utilize “expert witnesses” as independent contractors to conduct evaluations and provide expert testimony in the courtroom, may budget for this expense. However, the project may only be charged for costs above what the jurisdiction is required to cover. The maximum allowable rate for witness fees is \$250.00 per hour up to \$2,000 per day. The total amount budgeted for expert witness fees must not exceed ten percent (10%) of the project’s total budget. Requests for proposed expert witness costs must be accompanied by written justification indicating the following:

- qualifications, training, and experience of the expert(s), including a statement regarding recognition by the court of the individual as an expert;
- specialized certification/licensure [e.g., Masters in Social Work (MSW); Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (MFT), Medical Doctor (MD)];
- rate of pay per hour, including documentation of a survey of the availability of similar consultants, the current “going rate,” and the proposed rate of pay with a cost breakdown if the expert is paid according to services (e.g., mileage, waiting time, court testimony);
- proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation);
- justification for why this cost cannot be paid with other funds (attach the justification to CalEMA 2-106b, formerly OES A303).

8. Facility Rental (*RH 2232*)

Up to \$21 per square foot annually (\$1.75 per square foot per month) is allowed for facility rental. If the rental cost for office space exceeds this rate, it must be consistent with the prevailing rate in the local area. This documentation must be on file and available for audit and should not be submitted with the application.

a. Rental Space for Training and Counseling Rooms

Rental space for training and individual and/or group counseling rooms may also be charged to the grant providing the charge is based on actual costs and not reimbursed by another source.

9. Rented or Leased Equipment (RH 2233)

An explanation and cost analysis is required when is equipment rented or leased. This analysis must demonstrate that it is more cost-effective to rent or lease the equipment than it is to purchase it, and must be approved by CalEMA prior to the execution of a rental or lease agreement.

10. Indirect Costs/Administrative Overhead (RH 2220)

Indirect costs are those not readily itemized or assignable to a particular project, but necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs. Flat rates not exceeding ten percent (10%) of personnel salaries (excluding benefits and overtime) or five percent (5%) of the total direct project costs (excluding equipment) may be budgeted by the applicant for indirect costs if allowable by the funding source.

11. Audits (RH 8150)

Recipients expending between \$25,000 and \$499,999 in federal or state funds annually cannot use federal funds to reimburse for costs associated with audits. Recipients expending \$500,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Circular A-133 and are allowed to utilize federal grant funds to budget for the audit costs.

- Specifically, the allowable audit costs are as follows: if the total project cost is less than or equal to \$150,000, the project may budget up to \$2,000 for the financial audit cost; or
- If the total project cost is greater than \$150,000, the project may budget up to one and a half percent (1.5%) of the total grant for financial audit costs.

12. Equipment (RH 2300)

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit (including tax, installation and freight).

A line item is required for each different type of equipment, but not for each specific piece of equipment (e.g., three laser jet printers should be one line item, not three).

a. Allowable Expenses

Equipment used solely for project activities may be budgeted if it is essential to the implementation of the project. Grant funds may not be used to reimburse the project for equipment already purchased.

Rented or leased equipment must be budgeted as an Operating Expense. Lease-to-purchase agreements are generally not allowable. If a lease-to-purchase is

requested, the project will be required to submit justification, including cost-effectiveness. Prior approval by CalEMA is required.

b. Computers and Automated Equipment (RH 2340)

1) Community-Based Organization (RH 2342.1)

Community-based organization may budget up to \$25,000 in computer equipment, software, and related costs. CalEMA will evaluate the proposed purchase on the basis of grant-related need. Prior approval by CalEMA is required. The Recipient will be sent instructions for preparing the justification.

2) Units of Government (RH 2342.2)

Units of government may budget for computer equipment, software, and related costs. CalEMA will evaluate the proposed purchase on the basis of grant-related need. CalEMA must give approval prior to purchase. If federal grant funds totaling in excess of \$100,000 are used for automated data processing purchases, prior federal approval is also required. The Recipient will be sent instructions for preparing the justification.

3) Computer Purchase Justification (RH 2341)

Approval for purchases of computers and automated equipment is contingent on the applicant's ability to demonstrate cost-effective, project-related need which is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. The Recipient will be sent instructions for preparing the justification.

c. Automobiles (RH 2331)

Automobiles are not allowable items unless permitted by the terms of the program. If an automobile is included in the budget, substantial justification demonstrating the grant-related need will be required before finalization of the Grant Award Agreement. The justification must describe the need for the automobile, including the size of the service area, the need to provide direct service away from the office, and the reason why the agency will not allow personal automobile usage during work hours. A cost analysis for automobile purchase as compared to other options including lease and personal automobile use and mileage, must be done and kept on file for review by CalEMA's program staff during a site visit, monitoring visit, and/or audit.

13. Prohibited Expense Items (RH 2240)

a. Bonuses and Commissions (RH 2241)

Projects are prohibited from paying any bonus or commission to any individual, organization or firm unless specifically authorized by the terms of the program

b. Lobbying (RH 2242)

Refer to RH 2242.1 for an extensive list of prohibited activities.

c. Fundraising (RH 2243)

CalEMA grant funds cannot be used for organized fundraising including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions.

d. Real Property and Improvements (RH 2244)

Real property including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless authorized in the RFA instructions.

e. Interest, Charges, Fee and Penalties (RH 2245)

1) Interest

The cost of interest payments is not an allowable expenditure, unless the cost is a result of a lease/purchase agreement.

2) Charges, Fees, and Penalties

Charges, Fees and Penalties Finance charges, late payment fees, penalties, and returned check charges are not allowable expenditures.

f. Food and Beverages (RH 2246)

The cost of food and/or beverages at grant-sponsored conferences, meetings, or office functions is not an allowable expenditure.

g. Weapons and Ammunition (RH 2247)

The cost of weapons and/or ammunition of any type are not an allowable expenditures unless they are part of a governmental negotiated benefit package or are specifically authorized in the RFA instructions.

h. Membership Dues (RH 2248)

The cost of membership dues for the licensing or credentialing of professional personnel is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFA instructions.

i. Professional License (RH 2248)

The cost of a professional license is not an allowable expenditure unless specifically authorized in the RFA instructions.

j. Annual Professional Dues or Fees (RH 2248)

The cost of professional dues or fees are not allowable expenditures unless it is part of a governmental negotiated benefit package or are specifically authorized in the RFA instructions.

k. Depreciation (RH 2249)

Equipment costs may not include additional costs calculated for depreciation.

GLOSSARY OF TERMS

TERM	DEFINITION
Activity	The specific steps or actions that a project takes to achieve a measurable objective.
Administrative Agency or Recipient	The agency or organization designated on the Grant Award Face Sheet who is the programmatic Recipient of the grant funds and will accomplish the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau). The Recipient was formerly referred to as the “Grantee”.
Application	Once selected for funding, the original proposal plus any additional forms as required by CalEMA becomes the application. This application, once signed by CalEMA and the local government agency or organization authorized to accept grant funding, becomes the Grant Award/Grant Award Agreement.
CFR	Code of Federal Regulations
Community-based Organization (CBO)	A nonprofit, public benefit corporation.
Competitive Bid	A contract process used when all suppliers are equally or nearly equally qualified to provide the services.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan that analyzes the agency’s workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender. The objective of the EEOP is to ensure nondiscrimination in all areas of employment (e.g., recruitment, hiring, promotions, etc), and in the delivery of services and benefits.
Equal Employment Opportunity Checklist (EEO)	An EEO Checklist is a document used by program staff while conducting site/monitoring visits. The checklists (A and B) were prepared to assist CalEMA in verifying that recipients are in compliance with State and Federal Civil Rights Laws.
Grant Award Agreement	The signed final agreement between CalEMA and the local government agency or organization authorized to accept grant funding. (See Application.)
Grant Funding Cycle	The number of years a program may be funded without competition. A funding cycle is typically three years.
Grant Funding Period	The period of time, determined by the Request for Proposal (RFP) or the Request for Application (RFA), which the project narrative, objectives, activities, and budget cover. The time period is usually one year, and is shown on the Grant Award Face Sheet (CalEMA 2-101) (formerly OES A301).

TERM	DEFINITION
Implementing Agency	The agency or organization designated on the Grant Award Face Sheet that is responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).
Monitoring Report Response Form	Form sent to the Recipient with the Monitoring report. The form is completed by the Recipient and returned to the CalEMA Local Assistance Monitoring Branch (LAMB) indicating the Monitoring Report is accurate or inaccurate as of the date of the Monitoring.
Noncompetitive Bid (NB)	A contract for goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. (Contracts sometimes include goods as well as services, and this definition will also apply to those circumstances.)
Nonprofit Organization (aka Community Based Organization)	<p>A nonprofit, public benefit corporation as defined in the federal regulation of 28 C.F.R. Part 38, Department of Justice. This modifies the need to be recognized by the Internal Revenue Service as a 501(c)(3) for recipients of faith-based organizations. All organizations may qualify for nonprofit status using any one of the four following methods:</p> <ol style="list-style-type: none"> (1) Proof that the Internal Revenue Service recognizes the applicant has the status of a 501(c)(3). (2) A statement from a State taxing body or the State Secretary of State certifying that (i) the organization is a nonprofit organization operating within the State; and (ii) No part of its net earnings may lawfully benefit any private shareholder or individual: (3) A certified copy of the applicant's certificate of incorporation or similar document that clearly establishes the nonprofit status of the applicant; or (4) Any item described in (1) through (3) if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.
Objectives	A set of quantifiable projections to be carried out in order to accomplish the program goals.
On Site	Refers to the location of operation of the grant award recipient. If multiple sites exist, the site that provides the project recipients with program direction qualifies as the "on site location."

TERM	DEFINITION
Operational Agreement (OA)	A formal agreement between two or more agencies, which specifies the responsibilities of each agency in implementing the project. The term Operational Agreement also includes documents entitled Memorandum of Understanding, Letters of Intent, or other titles, but which serve the same purpose.
Participating Agency	An organization that receives grant funds through an Operational Agreement to participate in achieving the goals of a project. The participating agency must be a unit of government or a community-based organization.
Participating Staff	A salaried employee of a Participating Agency
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of the criminal justice system or victim services and supported by a set appropriation from state or federal funding sources.
Project	The implementation of a Program by a Recipient. The project includes all of the grants implemented by the Recipient under that Program regardless of the year of implementation.
Proposal	The packet of forms and narrative as requested by the RFP and submitted to CalEMA that specified the priorities, strategies, and objectives of the applicant.
Recipient Handbook	This handbook outlines the terms and conditions required of grant projects. Funded projects must administer their grants in accordance with these administrative and fiscal conditions. The <i>Recipient Handbook</i> is accessible in the "Related Links" section of the CalEMA website at www.CalEMA.ca.gov under "Justice Programs", "Grant Applications & Proposals (RFAs/RFPs)" and " <i>Recipient Handbooks</i> ." The <i>Recipient Handbook</i> was previously called the " <i>Grantee Handbook</i> ".
Request for Application (RFA)	The RFA is a noncompetitive process issued by CalEMA to obtain applications from applicants previously selected for funding.
Request for Proposal (RFP)	The Request for Proposal is issued by CalEMA to solicit competitive proposals in order to select projects for funding.
Single Source	This term has been replaced by the term "noncompetitive bid".
Sole Source	This term has been replaced by the term "noncompetitive bid".
Source Documentation	Records that validate project activities and achievements as they pertain to the objectives outlined in the Grant Award Agreement.

TERM	DEFINITION
Supplanting	To reduce federal, state, or local funds because of the existence of CalEMA funds. Supplanting occurs when a Recipient deliberately replaces its non-CalEMA funds with CalEMA funds, thereby reducing the total amount available for the stated purpose.
Terms of the Program	The applicable Program Guidelines, application requests [Request for Proposal (RFP)/Request for Application (RFA)], grant award agreement, CalEMA policy statements, and applicable statutes. In the event the terms of the program are inconsistent with the provisions of this handbook, the terms of the program shall be interpreted and construed as superseding the provisions of this handbook.
USC	United States Code



**United States Department of Justice
Office on Violence Against Women**

FREQUENTLY ASKED QUESTIONS ON STOP FORMULA GRANTS

Updated November 21, 2007

Please note that this document consolidates, updates, and replaces previous guidance issued by the Office on Violence Against Women, including memoranda dated February 12, 1998, July 31, 1998, and February 8, 2001.

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FREQUENTLY ASKED QUESTIONS ON STOP FORMULA GRANTS

I. SERVICE POPULATION

Q: Can STOP funds be used to support services to children?

A: Yes, in limited circumstances. STOP funds should be used for projects that serve or focus on adult and teen women who are victims of domestic violence, dating violence, sexual assault, or stalking. In general, victims served with STOP funds must be adults or teens. Under a new purpose area created by VAWA 2005, however, STOP funds may also support “complementary new initiatives and emergency services for victims and their families.” For example, STOP funds may support services for secondary victims such as children who witness domestic violence.

Q: Can STOP funds support services for men?

A: Yes. However, funding may only be directed to those entities whose primary focus is combating violence against women. The STOP statute states that “[t]he purpose of this subchapter [part] is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.” 42 U.S.C. § 3796gg(a). However, subgrantees must provide services to a similarly situated male victim in need who requests services. Under the anti-discrimination provision of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d(c)(1), STOP-funded programs may not exclude any person from receiving grant-funded services on a number of prohibited grounds, including that person’s sex. In addition, in the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Congress specifically provided that “Nothing in this title [which includes the STOP statute] shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.”

Q: Can STOP funds be used to defend women who assault, kill, or otherwise injure their abusers?

A: No. STOP funds cannot be used to fund any criminal defense work, including defending women who assault, kill, or otherwise injure their abusers.

Q: Can STOP funds be used to provide services to incarcerated victims of domestic violence, dating violence, sexual assault, or stalking?

A: Yes, except that funds may not be used to serve any person incarcerated for committing a crime of domestic violence, dating violence, sexual assault or stalking. Furthermore, the services provided may only address the domestic violence, dating violence, sexual assault, or stalking victimization experienced by the incarcerated individual. Funds should not be used to provide any other types of services, such as rehabilitative services related to the crime committed by the incarcerated individual. Finally, as is the case with the use of all STOP funds, States must use those funds to supplement State funds, and not to supplant State funds that would otherwise be available for the activities funded.

Although STOP funds may be used to provide victim services as described above, other federal funds do have restrictions on serving incarcerated victims.

II. TYPES OF SERVICES

Q: Can legal services be supported with STOP funds?

A: Yes, however, the primary purpose of legal representation must be to protect the victim's safety. Funding through the STOP Program was not intended to pay the fees charged by attorneys for divorces, legal separations, and other actions falling outside the scope of the statute. Support for legal services, such as custody or visitation, must be examined on a case-by-case basis, must be directly related to enhancing a victim's safety, and must be otherwise allowable under federal cost principles. For example, if a protection order specifies "no contact" with the children, then attorney's fees related to a visitation case could be covered if resolution of the visitation case is necessary for the continued enforcement of the protection order.

Q: Can STOP funds be used to transport a woman safely out-of-state?

A: Yes, in limited circumstances. STOP funds may be used to cover reasonable transportation costs that would enhance a woman's safety. STOP funds may not be used to pay for moving household goods to a new location in another State or acquiring furniture or housing in a new location.

Q: Can a victim services organization receive an award to help place survivors in permanent housing after shelter stay? For example, could the organization pay for a battered woman's first month's rent on a new apartment, purchase furniture, or pay moving costs?

A: No. STOP funds may be used to cover reasonable transportation costs that would enhance a woman's safety. STOP funds may not be used to pay for moving household goods to a new location in another State or acquiring furniture or housing in a new location.

Q: Under the STOP Program, can the State create a voucher program where victims are directly given vouchers for such services as housing or counseling?

A: No. The statutory purposes of the STOP Program do not authorize creation of a voucher program.

Q: Can STOP dollars support batterers' intervention programs? If so, what allocation should they be funded under?

A: Yes. Batterers' intervention programs may be supported provided that the programs are part of a graduated range of sanctions that use the coercive power of the criminal justice system to hold abusers accountable for their criminal actions and for changing their behavior. However, couples counseling or any intervention that requires participation by a victim or that is not designed to hold offenders accountable for their violent behavior cannot be supported with STOP dollars.

The specific allocation may depend on the circumstances of the program and the particular State. Batterers' intervention may be supported through the "undesignated" portion of a State's formula grant (i.e., the 15 percent that is not designated for law enforcement, prosecution, courts, or victim services) or the courts portion.

Q: Can STOP funds support violence prevention programs, such as media campaigns to educate the general public about violence against women?

A: No. According to the Violence Against Women Act, the general purpose of the STOP Program is to assist jurisdictions "to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women." 42 U.S.C. § 3796gg(a). The enumerated statutory program purpose areas do not address prevention programs, so prevention programs, such as media campaigns, may not be supported under this program. However, States may fund outreach efforts aimed at informing victims about services available. For example, a shelter could distribute brochures listing the signs of domestic violence, describing the services available, and providing a hotline number to access the services. Moreover, the STOP statute (as amended by the Violence Against Women Act of 2005) permits States to fund "core victim services and criminal justice initiatives, while supporting complimentary new initiatives and emergency services for victims and their families." Initiatives designed to reach victims, rather than raise awareness generally, may be supported under this purpose area.

Q: Can programs in schools be supported with STOP funds?

A: Yes, programs in schools may be supported to the extent that they fit within one or more of the STOP program's statutory program purpose areas. For example, STOP funds could be used to provide support groups that meet at school for dating violence victims or to provide information to students about services available to help victims of dating violence. As discussed above, STOP funds may not support general prevention programs in schools.

Q: Can STOP funds be used to pay for the prosecution of child sexual abuse when the victim is now an adult?

- A: No, generally, STOP funds may not be used to pay for the prosecution of child sexual abuse when the victim is now an adult. The only rare exception would be if the abuse continued into adulthood, and the prosecution of the acts that occurred in childhood are part of the larger continuum of assaults that stretched into the victim's adult life.
- Q: Can STOP funds be used to pay for health care providers' time conducting forensic examinations?
- A: Yes. Beginning with FY 2007 awards to the States, STOP funds may be used for health care providers' time conducting forensic examinations, if two requirements are met:
- 1) the examinations are performed by specially trained examiners for victims of sexual assault (such as Sexual Assault Nurse Examiners (SANEs) or Sexual Assault Forensic Examiners (SAFEs)); and
 - 2) the jurisdiction does not require victims of sexual assault to seek reimbursement from their insurance carriers.
- Q: If the State is using STOP funds to pay for forensic examinations, do the medical providers performing the exams need to have any particular training or certification?
- A: No, the medical providers need to have specialized sexual assault forensic exam training, but the specific nature and form of that training is not defined by statute. States can determine the most appropriate training for the needs of their States. The National Training Standards for Sexual Assault Medical Forensic Examiners (available at <http://www.ncjrs.gov/pdffiles1/ovw/213827.pdf>) provides recommendations on training for medical providers performing forensic examinations.
- Q: If the State pays for sexual assault forensic examinations, which allocation should it come from?
- A: It could come from law enforcement, prosecution, courts, or discretionary. Please refer to the definitions (see http://www.usdoj.gov/ovw/docs/overarching_definitions.pdf) for law enforcement, prosecution, and courts. A high-quality forensic exam could benefit any of these disciplines, depending on the structure and systems in the individual State. States should make decisions based on the laws, policies, and practices of their own State as to the most appropriate allocation. As discussed above, this only applies starting with FY 2007 funds.

III. FINANCIAL ISSUES

Q: Can STOP funds be used to purchase equipment that will be used partially for purposes other than those outlined in the STOP program?

A: Yes. STOP funds may be used to partially purchase equipment that will be used for the STOP project as well as other purposes if the expenses are prorated according to the percentage of time that the equipment is used for STOP purposes. For example, a State could use STOP funds to support a portion of the digitalization of a 911 network if it can document the percentage of expenses based on the number of calls received for domestic violence, dating violence, sexual assault, and stalking

Q: Can STOP funds be used to purchase automobiles?

A: No, STOP funds cannot be used to purchase vehicles. Please note that this is a change from a 1998 memorandum that authorized the purchase of vehicles under certain circumstances.

Q: Can STOP funds be used to purchase food?

A: Yes, in some instances. The provision of food and beverages at training events or conferences is governed by the OJP Financial Guide. (See <http://www.ojp.usdoj.gov/finguide06/index.htm>). Please review the requirements carefully in determining if food provision at a particular event is acceptable and contact your grant manager if you have any questions. Food provision within the context of victim services (e.g., providing food in shelters) is permissible if the food is necessary or integral to providing services to women to enhance their safety.

Q: Are prosecutors' or law enforcement officers' salaries an allowable cost?

A: Yes, if the prosecutors or law enforcement officers being paid are handling cases involving violence against women. If the officer or prosecutor is not working full time on violence against women cases, his or her time must be prorated.

Q: Can STOP funds be used to pay for immigration fees for battered immigrant women?

A: No, such fees are not within the scope of the STOP Program.

Q: Can STOP dollars support the operational costs of a facility, such as a shelter?

A: Yes, except that if the project is supported with funds from other sources as well (e.g., Victims of Crime Act or Family Violence Prevention and Services Act funds), the rent and operational expenses must be prorated among the different

funding sources. In addition, the rent must be reasonable. If, however, the shelter owns its own facility, rent for use of that facility may not be charged to the grant at all; however, related expenses such as utilities and building security may be charged to the grant. As discussed below, renovations and construction may not be supported with STOP funds.

Q: Can a State agency use STOP funds to support a project it would like to undertake itself?

A: Yes, as long as the project fits within the enumerated purpose areas. In such cases, however, the State will need to ensure that the STOP funds that are being used to support the project are supplementing and **not** supplanting non-federal funds that would otherwise be available for such a project. The State will also need to carefully consider the appropriate allocation for such a project, and should submit a STOP subgrant progress report regarding the specific project.

Q: Can a State allow a subgrantee to charge indirect costs to the subgrant?

A: Yes, it is within the discretion of the State whether to allow subgrantees to charge indirect costs.

Q: If income is generated through grant-funded activities, how should that income be used?

A: Program income may be used to supplement project costs or reduce project costs, or may be refunded to the Federal government. Program income may only be used for allowable program costs, however, and must be expended prior to additional drawdowns. Please see the OJP Financial Guide (<http://www.ojp.usdoj.gov/finguide06/index.htm>) for more information on this topic.

Q: Is there a difference between “supplies” and “equipment?”

A: Yes. “Supplies” are generally items that will be expended during the project period. “Equipment” consists of non-expendable items. Federal guidelines define equipment as tangible property having a useful life of more than two years and an acquisition cost of more than \$5,000. States should follow their own guidelines for capitalization of equipment.

Q: Can STOP funds be used for renovations or construction?

A: No. STOP monies cannot be used for renovations or construction. This includes even such seemingly minor renovations as painting or replacing carpet.

Q: Do States have an administrative allowance within their budgets?

- A: Yes. States can use up to 10 percent of funds for administrative costs.
- Q: Can unused administrative money be reallocated to fund subgrants?
- A: Yes. If the State does not need the full 10 percent, these funds should be used to support subgrants.
- Q: Can a subgrantee charge a fee for counseling (therapy) of sexual assault victims?
- A: Yes, at the discretion of the State administering agency. This income, however, should be treated as program income. See the OJP Financial Guide (<http://www.ojp.usdoj.gov/finguide06/index.htm>) for more details on the allowable uses for program income.

IV. MATCH

A. Statute

Q: What is the statutory language regarding match?

A: 42 U.S.C. § 13925 (b)(1) provides:

(1) Match.—No matching funds shall be required for any grant or subgrant made under [the Violence Against Women Act] for—

(A) any tribe, territory, or victim service provider; or

(B) any other entity, including a State, that—

(i) petitions for a waiver of any match conditions imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

(ii) whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.

42 U.S.C. § 3796gg-1(f) provides:

The Federal share of a grant made under [the STOP Formula Program] may not exceed 75 percent of the total costs of the projects described in the application submitted.

B. Exemption

Q: What entities are covered by the match exemption in 42 U.S.C. § 13925(b)(1)?

A: Under VAWA 2005, matching funds cannot be required for a grant or subgrant for any tribe, territory, or victim service provider.

Q: Are there situations where victim services providers can be required to provide match?

A: Yes. The exemption for victim services providers applies only to subgrants awarded under the 30 percent allocation. If a victim services provider is given a subgrant under another allocation, such as a rape crisis center receiving law enforcement funds for training police, then the victim service provider can be required to provide match. If a subgrant is awarded to a victim service provider to develop or facilitate a coordinated community response, whether they can be required to match would depend on the allocation used to fund the services. To the extent that the subgrant is supporting law enforcement, prosecution, or court purposes and is funded through those allocations, the provider can be required to provide match. For example, if a State gave a \$200,000 subaward to a domestic

violence shelter to manage a local coordinating council and \$100,000 was from victim services funds, \$50,000 was from law enforcement funds, and \$50,000 from prosecution funds, then the shelter could be required to provide up to \$25,000 in matching funds for the \$100,000 dedicated to law enforcement and prosecution purposes.

Q: Is it permissible to request exempt victim services providers to voluntarily provide match?

A: Yes. Often victim services providers have ready sources of in-kind match such as donated goods and volunteer services and may be willing to provide match even if not required to do so. However, such provision of match must be truly voluntary; if the provider chooses not to provide match, it should not suffer adverse consequences.

Q: Why do States have to cover the match for the exempt victim services providers?

A: 42 U.S.C. § 3796gg-1(f) requires a 25 percent match on the full amount of the award, including those amounts for victim services. It is in the discretion of the State how to meet this match except for the restriction on requiring match on subgrants for victim services or tribes.

C. General Issues

Q: How should in-kind match be calculated?

A: In-kind match must be documented in the same manner as grant funded activities. In-kind match should be calculated based on the fair market value of the goods or services. For example, the value of a volunteer answering a hotline should be the same as what the agency would pay an employee to answer the hotline. For more information and specific examples, please see http://www.usdoj.gov/ovw/docs/match_requirement.pdf.

Q: Do the match funds need to follow the allocation formula (i.e., 25 percent law enforcement, 25 percent prosecution, 5 percent courts, 30 percent victim services)?

A: No, they do not. For example, a State could use funding from its law enforcement and courts subgrants to match its entire award if there is sufficient funding in those programs.

D. Waiver

Q: Who is eligible to submit a request for a match waiver?

- A: For the purpose of requesting a waiver through OVW's STOP Formula Program, eligible recipients are States.
- Q: How does a State request a match waiver?
- A: An eligible applicant should formally request a match waiver by submitting a request letter addressed to the Director of the Office on Violence Against Women. Please mail the State's waiver request and supporting documentation to your OVW Program Specialist.
- Q: When should a State Administrator make a request for a match waiver?
- A: As a general rule, a State has three months from the date of its most recent award to make a waiver request.
- Q: What is the standard for granting a match waiver?
- A: The Attorney General must determine that the applicant for a match waiver has adequately demonstrated financial need.
- Q: What type of evidence demonstrates "financial need?"
- A: Specific evidence of economic distress, such as documentation of high unemployment rates, poverty rates, and designation as a FEMA disaster area and how this affects the State's ability to provide violence against women matching funds may demonstrate financial need. For example, if a State shows that across the board budget cuts have directly reduced funding for violence against women by 20 percent, then the State would be considered for a 20 percent waiver, not a full waiver. Reductions in Federal funds are not relevant to State match unless the State can show that the reduced Federal funding directly reduced available State funds to support violence against women. The State would need to provide attachments to demonstrate this effect, such as portions of the State budget demonstrating shifts in funding or a letter from the Governor's office.
- Q: What should a waiver application include?
- A: States that wish to apply for full or partial waivers of match must submit documentation of the following:
- 1) The sources of non-federal funds available to the State for match and the amount available from each source, including in-kind match and match provided by subgrantees or other entities;
 - 2) Efforts made by the State to obtain the matching funds, including, if applicable, letters from other State agencies stating that the funds available from such agencies may not be used for match;

- 3) The specific dollar amount or percentage waiver that is requested;
- 4) Cause and extent of the constraints on the historical and projected ability to raise violence against women matching funds; and
- 5) Specific evidence of economic distress, such as documentation of high unemployment rates, poverty rates, and designation as a FEMA disaster area and how this affects the State's ability to provide violence against women matching funds. For example, if a State shows that across the board budget cuts have directly reduced funding for violence against women programs by 20 percent, that State would be considered for a 20 percent waiver, not a full waiver. Reductions in Federal funds are not relevant to State match unless the State can show that the reduced Federal funding directly reduced available State funds to support violence against women programs. The State would need to provide attachments to demonstrate this effect, such as portions of the State budget demonstrating shifts in funding or a letter from the Governor's office.

Q: How does a grantee learn of OVW's match waiver decision?

A: Once OVW receives the formal request for a match waiver and supporting documentation from the State, the time period from OVW review and consideration to notification will not exceed 90 days. OVW will notify the appropriate State STOP Administrator of all determinations via e-mail.

Q: What if OVW denies the waiver request?

A: All requests for match waiver will be reviewed and considered by the Director of OVW on a case-by-case basis. Approval of such a waiver will require significant justification for need and will not be made automatically. All decisions are final.

Q: If a State receives a match waiver for one grant award, will it automatically receive approval for the next grant award period?

A: No. A match waiver decision is only good for the current grant award.

V. ALLOCATION ISSUES

Q: If a State does not receive enough fundable law enforcement and prosecution projects to meet the 25 percent for these categories, can the State reallocate these funds to the discretionary category?

A: No. Under the STOP statute, the funds must be allocated 25 percent for law enforcement, 25 percent for prosecution, 5 percent for courts, and 30 percent for nonprofit, nongovernmental victim services. Unused funds in one of the four funding categories revert to OVW at the end of the grant period.

Q: What if a State allocates funding to a subgrantee, but gets the money back?

A: If it is early in the award cycle, the State may be able to reaward the funds. If the State's award is at or near its end date, the funds would revert to OVW. The State could contact its OVW Program Specialist in such an event.

Q: Should States make decisions to award law enforcement, prosecution, court, and victim services funds based on the purpose for which the funds will be used or the type of agency applying for the funds?

A: The current language of the STOP statute requires States to allocate certain percentages of funding "for" law enforcement, prosecution, and victim services. Beginning with FY 2007, decisions should be made based on the beneficiary of the funded activities. For example, a State may provide funds to its State coalition to provide training to police throughout the State under the "law enforcement" category because the training is to benefit law enforcement. Please review the definitions for law enforcement, prosecution, courts, and victim services to assist in making these determinations. (See http://www.usdoj.gov/ovw/docs/overarching_definitions.pdf). If a subgrant recipient under a particular category is not the type of agency referred to in the category, States should ensure that the correct type of agency will benefit from the funds. For example, if a State coalition applies for law enforcement funds to train police, the application should include a Memorandum of Understanding or other documentation from police agencies indicating that they agree to attend the training and will be involved in the development of the training.

Q: Under which category would a probation or parole project be funded?

A: This would depend on the structure of the State's criminal justice system. In some States, these agencies are part of the court system. In others, they are considered law enforcement. States should refer to the definitions of law enforcement and courts and use their best judgment. (See http://www.usdoj.gov/ovw/docs/overarching_definitions.pdf).

Q: Can STOP funds be subgranted to State law enforcement or prosecution training divisions, such as Police Officer Standards and Training (POST) offices?

A: Yes. Please see the definitions of law enforcement and prosecution at http://www.usdoj.gov/ovw/docs/overarching_definitions.pdf.

VI. SUBGRANT MANAGEMENT ISSUES

Q: What can OVW do if a subgrantee is misappropriating funds?

A: OVW's relationship and monitoring obligation is at the State level because the State is the grantee. If such misappropriation comes to the attention of OVW, the State would be held responsible for the misuse of funds.

Q: Can a State put a special condition on its subawards prohibiting activities that may compromise victim safety?

A: Yes. OVW includes special conditions in its discretionary grant awards prohibiting activities that may compromise victim safety. We encourage States to include similar conditions.

Q: To what extent should States control subgrant details and monitor subgrants?

A: As the grantee, the State is responsible for ensuring that STOP funds are expended appropriately and for the purposes mandated in the Violence Against Women Act. The State is also responsible for establishing its own guidelines for subgrant oversight and monitoring intensity.

VII. VAWA 2005 QUESTIONS

Q: When did the changes in VAWA 2005 take effect?

A: Most of the changes took effect in FY 2007. However, the definitions and general conditions, including the changes to match, took effect in FY 2006. (See http://www.usdoj.gov/ovw/docs/overarching_definitions.pdf).

Q: What purpose areas did VAWA 2005 add to the STOP Program?

A: VAWA 2005 added the following purpose areas:

(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

(13) supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities--

(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote--

(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services

personnel, to be known as "Crystal Judson Victim Advocates," to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police ("Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project" July 2003));

(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Q: What new STOP certification requirements did VAWA 2005 add?

A: VAWA 2005 amended the sexual assault forensic examination certification and added two new certifications. First, the change to the forensic examination certification is that States may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

Second, a new judicial notification certification provides:

Judicial notification: A State or unit of local government shall not be entitled to funds under [the STOP Program] unless the State or unit of local government--

(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in [section 922\(g\)\(8\)](#) and [\(g\)\(9\) of Title 18](#), and any applicable related Federal, State, or local laws; or

(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

- (i) the period ending on the date on which the next session of the State legislature ends; or
- (ii) 2 years.

Third, a new polygraph testing prohibition provides:

In order to be eligible for grants under [the STOP Program], a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined

under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense. The refusal of a victim to submit to an examination described [above] shall not prevent the investigation, charging, or prosecution of the offense.

Q: Do States have a grace period during which they can come into compliance with these certifications and remain eligible for STOP Program funds?

A: For the change to the forensic examination, States have until January 5, 2009. For the judicial notification provision, States have two years after the passage of VAWA 2005 (January 5, 2008) or the date on which the next session of their State legislature after January 5, 2006 ends. For example, if the State has an annual legislative session which began before January 5, 2006, the next session would be the 2007 session. The period would end on the last day of that session. For the polygraph certification, States have until January 5, 2009.

Q: What is the new mandate to set aside funds for culturally specific community-based organizations?

A: VAWA 2005 provides that within the 30 percent for victim services “at least 10 percent shall be distributed to culturally specific community-based organizations.”

Q: What type of agencies can receive funds under the set-aside for “culturally specific community-based organizations?”

A: An organization is eligible to receive the culturally-specific set-aside if the organization:
(1) has a focus on any underserved population;
(2) is providing services tailored to the unique needs of that population; and,
(3) at a minimum, has some expertise or demonstrated capacity to work effectively on domestic violence, dating violence, sexual assault or stalking or acquires that expertise through collaboration with another entity.

An organization will qualify for funding if its primary mission is to address the needs of an underserved population or if it has developed a special expertise regarding a particular underserved population. The organization must do more than merely provide services to an underserved population; rather, the organization must provide culturally competent services designed to meet the specific needs of the target population.

In reviewing subgrant applications, States should look not only at the numbers of victims that will be served, but also at how the services will be provided, whether the community to be served has been involved in planning for the delivery of the services, and whether there will be outreach to that community regarding the

availability of the services. For example, if an applicant proposes to provide services to deaf victims, the State should consider such things as: line items in the budget for certified interpreters, TTYs, and other assistive technology; a demonstration that the applicant has a knowledge of and collaborative relationships with organizations serving the deaf; established outreach activities to the deaf community; and on-going staff training on deaf culture. A community-based organization that accepts funding to provide services to a particular underserved population cannot exclude others from participating in its programs and activities based on race, color, national origin, sex, religion, disability or age.

Q: What victim populations may be served under the set aside for culturally specific community-based organizations?

A: The set-aside may address “underserved populations” as defined in VAWA 2005, which include “populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General[.]” 42 U.S.C. § 13925(a)(33).

Q: VAWA 2005 requires States to “ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.” Does “equitably” refer to the whole State, or just the submitted applications?

A: “Equitably” refers to applications submitted to the State. Funds should be distributed to serve equitably those underserved populations represented in the applicant pool. In order to qualify for STOP funds, however, a State must develop an implementation plan that describes how the State will address the needs of underserved populations. In keeping with this obligation, States should reach out to underserved populations to increase their awareness of the availability of funding for culturally and linguistically specific services and how to access STOP funding.

Q: What is the new collaboration requirement from VAWA 2005?

A: State applications must now include “documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.” This documentation could take the form of a letter from the Authorized Official describing how the State met the requirement.

VIII. CERTIFICATION QUESTIONS

A. Judicial Notification

- Q: Does the Judicial Notification certification apply to local courts not under the control of the State courts?
- A: The State certification does not need to cover local courts not under the control of the State courts. However, if a local court seeks STOP Program funding, then it should provide such a certification to the State as a condition of receiving the subgrant.
- Q: Under the Judicial Notice certification, would a State be in compliance if the notice is provided by law enforcement through the incident report, rather than through the courts?
- A: No. This would not qualify as “judicial” notice.

B. Forensic Examinations

- Q: What is required by the State to comply with the forensic examination certification?
- A: Under 42 U.S.C. § 3796gg-4, a State is not entitled to funds under the STOP Program unless the State or another governmental entity "incurs the full out-of-pocket cost of forensic medical exams . . . for victims of sexual assault." In addition, effective January 5, 2009, States may not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”
- Q: What is a "forensic medical exam?"
- A: The term "forensic medical exam" means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law.

The examination should include at a minimum:

- 1) examination of physical trauma;
- 2) determination of penetration or force;
- 3) patient interview; and
- 4) collection and evaluation of evidence.

The inclusion of additional procedures (e.g., testing for sexually transmitted diseases) to obtain evidence or provide treatment may be determined by the State in accordance with its current laws, policies, and practices.

Q: What does a State have to do to "incur the full out-of-pocket cost" of forensic medical exams?

A: A State shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity:

- 1) provides such exams to victims free of charge to victims;
- 2) arranges for victims to obtain such exams free of charge to the victims; or
- 3) reimburses victims for the cost of such exams if-
 - A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;
 - B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;
 - C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and
 - D) the State or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

Q: Is there required timing for reimbursement if the State pays the hospital directly, rather than the victim?

A: No. If the State or other governmental entity is paying the hospital or other medical provider directly, there is no statutory time limit for reimbursement. The above time limits only apply where the governmental entity is providing the reimbursement to the victim.

Q: What is the definition of "full out-of-pocket costs?"

A: "Full out-of-pocket costs" means any expense that may be charged to a victim in connection with a forensic medical examination for the purpose of gathering evidence of a sexual assault (e.g., the full cost of the examination, an insurance deductible, or a fee established by the facility conducting the examination). For individuals covered by insurance, "full out-of-pocket costs" means any costs that the insurer does not pay. However, as described below and above, if the State wishes to use STOP funds to pay for the exams, it may not require victims to seek reimbursement from their private health insurance.

Q: Can STOP funds be used to pay for a health care provider's time conducting forensic examinations?

A: Yes. Starting with FY 2007, STOP funds may be used for health care providers' time conducting forensic examinations, if two requirements are met:

- 1) the examinations are performed by specially trained examiners for victims of sexual assault (such as Sexual Assault Nurse Examiners (SANEs) or Sexual Assault Forensic Examiners (SAFEs); and
- 2) the jurisdiction does not require victims of sexual assault to seek reimbursement from their insurance carriers.

Q: Can STOP Program funds pay for other aspects of SANE/SAFE programs even if the two above requirements are not met?

A: Yes. STOP Program funds may support the following activities related to SANE/SAFE programs even if the requirements for paying personnel costs are not met:

- training for SANE/SAFE personnel
- expert testimony of SANE/SAFE personnel
- forensic evidence collection kits ("rape kits")
- equipment, such as colposcopes, swab dryers, and lights
- outreach efforts to inform victims about available services
- victim advocate personnel to accompany victims through the forensic examination process
- on-going counseling services for victims
- on-call time of the SANE/SAFE personnel

This list of SANE/SAFE activities that may be funded is not comprehensive and other similar activities may be funded. Please contact your grant program specialist if you have questions.

Q: What if the hospital charges a fee for the use of the examination room?

A: If the hospital or other medical facility charges a fee for the use of the examination room, it is considered part of the exam and must be paid by the State or other governmental entity.

Q: Can the State require victims to submit the claims for the cost of the exam to their personal health insurance providers?

A: Yes, if they are not using STOP Program funds to pay for the cost of the forensic exam. Under the definition of "full out-of-pocket costs," States can require that victims submit claims to their personal insurers. However, any expenses not covered by the insurer must be covered by the State or other governmental entity. This includes any deductibles or denial of claims by the insurer. We urge States to keep in mind that, in some cases, insurance billing can present a hardship for victims. For example, a victim of spousal rape may not want her husband to find out that she got a forensic exam. If the victim is forced to submit the claim to her insurance company and she is on her husband's insurance, he may receive a

statement from the insurance indicating that she got the exam. For this reason, the Office on Violence Against Women strongly encourages States to not require victims to file a claim with their insurers.

Q: Are States permitted to require victims to cooperate with law enforcement as a condition for receiving a free exam?

A: No. Effective January 5, 2009, a State will not be in compliance with this provision and will be ineligible for STOP Program funds if the victim is required to cooperate with law enforcement or participate in the criminal justice system in order to receive an exam, payment for the exam, or both. Some victims are unable or unready to decide whether they want to cooperate with law enforcement in the immediate aftermath of the assault. Because evidence is lost as time progresses, such victims should be encouraged to have the evidence collected immediately and decide about reporting the crime at a later date. If local jurisdictions have policies or practices that requires victim cooperation or participation in order to receive an exam or pay for the exam, the State is responsible for ensuring that all victims are able to receive free exams, regardless whether they cooperate with law enforcement or participate in the criminal justice system.

Q: Can a State set a limit on the cost of the exam?

A: This depends on whether the State is reimbursing the victim for the exam or providing the exam to the victim for free. The State may not set a limit on reimbursement to victims relating to these exams. If the State is providing the exams free of charge to victims, then the State may set a rate for the cost of an exam. However, States should be cautious that they do not set the rate so low that no facilities are willing to provide exams.

Q: Can a State use its Crime Victims Compensation Fund to pay for the forensic exams?

A: Yes, if State law designates the victim compensation program as the primary paying source for the exams. In approximately 15 States, the compensation program is the primary payer under State law. In the other States, compensation programs may pay for the exams, but generally a different primary payment source has this responsibility. For Federal guidelines that apply to the Victims of Crime Act Victim Compensation Grant Program, go to <http://www.ojp.usdoj.gov/ovc/welcovc/scad/guides/voca.pdf>. If you have further questions about the use of crime victim compensation funding for forensic exam payment, please contact the Office for Victims of Crime at (202) 307-5983.

Q: Under the forensic exam certification, is the State required to provide exams for victims of child sexual abuse?

A: No. The certification applies only to adult and teen victims of sexual assault.

C. Fees and Costs

Q: What grant programs are affected by the “fees and costs” certification?

A: This requirement applies to grantees under the STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grants (STOP) and Grants to Encourage Arrest Policies and Enforcement of Protection Orders (Arrest) Programs.

Q: Who is affected by the “fees and costs” certification?

A: States, Indian tribal governments, units of local government, and State and local courts that apply for funding under the STOP or Arrest Programs.

Q: What is required to comply with the “fees and costs” certification?

A: Applicants for these programs must certify that:

[Their] laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.

This certification shall be treated as a material representation of fact upon which the Department of Justice will rely when it determines whether to award the grant.

For additional assistance in understanding the types of fees covered by this requirement and assessing your compliance, please see the [Violence Against Women Act of 2000 Costs for Criminal Charges and Protection Orders Chart](#).

Q: Do applicants need to change their statutes to come into compliance with the “fees and costs” certification?

A: If the laws of the State, tribe, or unit of local government conflict with the “fees and costs” provision, then the applicant will not be able to make the necessary certification, even if the jurisdiction has a policy of never charging fees.

- Q: What if an applicant's statute is silent on the issue of fees?
- A: If the statute is silent on the issue of fees, then the applicant may not need to pass a law because the policy does not need to be expressed in a law. However, the applicant will need to ensure that its policies and practices do not require victims to bear any of the relevant costs. We encourage applicants to pass a law or adopt a written policy to ensure that victims are not required to bear these costs.
- Q: When do applicants need to be in compliance with the "fees and costs" certification?
- A: All applicants to the STOP Program and those applicants to the Arrest Program who have previously received Arrest Program funds need to be in compliance with this requirement prior to submitting an application. Applicants under the Arrest Program that have not applied previously have until the end of their next legislative session after their first application for an Arrest grant to fulfill the requirement.
- Q: As a policy matter, why is it important to comply with this requirement?
- A: This provision is designed to ensure that jurisdictions are not forcing victims to bear costs related to criminal and civil domestic violence, sexual assault, and stalking cases. The intent of the statutory language is to ensure that all victims can access legal relief in the civil and criminal justice systems, regardless of their financial circumstances.
- Q: Can grant funds be used to cover these fees and costs?
- A: No, grantees cannot use grant funds to cover these fees and costs. Such use of grant funds would not comply with the VAWA 2000 provision because grantees are not entitled to funds unless they first certify that they have met (or will meet in certain cases as described in the answer regarding timing of compliance above) the filing fee requirement. This certification is a prerequisite for receiving grant funds. Program funds may not be used to pay these fees and costs, as Congress instructed grantees to certify that victims are not bearing these costs prior to receiving grant funds.
- Q: Can the respondent or defendant be charged fees in connection with protection orders or criminal cases?
- A: There is nothing in the STOP or Arrest Program statutes to prevent jurisdictions from charging respondents or defendants. In fact, this may be a good way for jurisdictions to cover these costs.
- Q: What if the State law provides that persons below a certain income can get a fee waiver?

- A: Providing fee waivers only for victims below a certain income is not sufficient. The statutory requirement applies to all victims, regardless of income.
- Q: Can victims be charged these fees if they are later reimbursed?
- A: No. Charging victims up front and providing reimbursement also is not sufficient to meet the statutory requirement. Even if victims are fully reimbursed, this would require victims to “bear the cost” during the time from when they pay the fees until they receive the reimbursement, which is not permitted by the statute.
- Q: What if the respondent, defendant, or subject of a warrant or witness subpoena lives out of State? Who should pay the costs of service in such cases?
- A: The statute specifies that the requirement applies whether the warrant, protection order, petition for protection order, or witness subpoena is “issued inside or outside the State, tribal, or local jurisdiction.” This makes clear that victims can not be charged in such cases. However, the statute does not specify which jurisdiction is required to cover the fees in such a case.
- Q: What types of protection orders are covered by the requirement?
- A: The requirement specifically applies to an order “to protect a victim of domestic violence, sexual assault, or stalking.” This includes any civil order of any type or duration so long as it was issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person. This also includes orders issued by criminal courts, and pendente lite orders in other proceedings, as described in 18 U.S.C. § 2266.
- Q: Can fees be charged for general protection orders such as “antiharassment” or “repeat violence” orders?
- A: If the person applying for the order is a victim of domestic violence, sexual assault, or stalking and is applying to get an order because of that crime, then the order would constitute an order “to protect a victim of domestic violence, sexual assault, or stalking.” Jurisdictions may charge for general protection orders when the applicant is not a victim of these crimes.
- Q: What if a victim of domestic violence, sexual assault, or stalking returns to court to request a modification of a protection order?
- A: The victim could not be charged for this because it would constitute a fee associated with the “filing, issuance, registration, or service” of a protection order.
- Q: If the court denies a petition for an order, can the petitioner then be charged fees?

A: Possibly, depending on the specific circumstances of the case. It is possible that a court may deny a protection order even though the petitioner is a victim of domestic violence, sexual assault, or stalking. For example, if the State law requires physical abuse to have occurred within a certain time period, a victim could be denied an order because there was not a recent enough incident of physical abuse. The petitioner may be charged fees if the court makes a finding that the petitioner is not a victim of domestic violence, sexual assault, or stalking and denies the order based on that finding.

Q: Can fees still be charged for divorce cases filed by victims of domestic violence, sexual assault or stalking?

A: The provision does not limit the ability of a jurisdiction to charge fees for divorce cases. However, if a victim of domestic violence, sexual assault or stalking files for a protection order within the divorce case, the victim cannot be charged fees associated with the protection order.

IX. MISCELLANEOUS

Q: Why are Indian populations excluded from the formula used to determine States' STOP grant amounts when there is a purpose area for developing and strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women?

A: There is no legislative history that clarifies why this was included in the Violence Against Women Act. Because the statute specifies the basis to be used in distributing the STOP funds among the States and territories, OVW must comply with the formula.

Q: Can universities be STOP subgrantees?

A: Yes, a university may be a STOP subgrantee if it meets STOP eligibility requirements and program purposes.

Q: Why is there a greater emphasis in the STOP Program on collaboration with nonprofit, nongovernmental victim services programs than with law enforcement and prosecution?

A: One of the fundamental purposes of VAWA is to give an equal voice to victim advocates in establishing the priorities for funding within a State. Not all victims of violence against women seek help from the criminal justice system; many instead turn to shelters, rape crisis centers, and other programs for assistance.

Q: What does OVW expect to see in a State's implementation plan?

A: In general, OVW is looking for statutory compliance, collaboration, and good practices to enhance victim safety and offender accountability. Each plan is very different and tailored to the needs of the particular State. For more guidance on this topic, please see the Implementation Plan Tool Kit (http://www.usdoj.gov/ovw/docs/implementation_plan_tool.pdf).

Q: Is it possible to change the project period or end date of my grant?

A: Yes. Please contact your grant program specialist soon as possible so he/she can explain how to submit a Grant Adjustment Notice (GAN) for this purpose. You will need to provide a justification for the change, including the amount of funds remaining in the grant, the reasons why the funds have not been (or will not be) expended by the current end date, and how the State plans to use the funds in the additional time period.

Q: Is it possible change the project start date of my grant?

A: Yes, but only prior to the award being issued. You must contact your grant program specialist to make the request.

Q: Is there a definition of “rural?”

A: Yes. Please see the statutory definitions list at http://www.usdoj.gov/ovw/docs/overarching_definitions.pdf .